

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA,
SOUTHERN DIVISION**

LINDA THORNTON,

Plaintiff,

v.

**FLAVOR HOUSE PRODUCTS, INC. AND
FRANKLIN D. WILLIAMS, JR.**

Defendant.

*
*
*
*
*
*
*
*
*
*
*

*** CASE NO. 1:07cv-712-WKW**

MOTION TO WITHDRAW OBJECTION TO SUBPOENA

COME NOW Rodney H. Peak, a Probation and Parole Officer employed by the Alabama Board of Pardons and Paroles, and the Alabama Board of Pardons and Paroles, non-parties to this action, in compliance with this Court's Order [Doc. 50] requiring the Board to inform the Court, in writing, whether the Motion to Quash is moot, shows that Court as follows:

1. On May 22, 2008, the Barbour County Circuit Court ordered the Board to release the probation records of Franklin D. Williams directly to the law firm of Wiggins, Childs, Quinn & Pantazis, *Exhibit A*. The probation records of Franklin D. Williams have been turned over to Attorney Ann Robertson with Wiggins, Childs, Quinn & Pantazis via email.
2. The Board's Objection to Motion to Quash is now **MOOT**, to the extent that parole records, which are absolutely privileged under Ala. Code §15-22-36(b),

are not being sought for production.

WHEREFORE THE PREMISES CONSIDERED, the Board requests the *withdrawal* of its Objection and Motion to Quash filed on May 12, 2008, to the extent that parole records are not being sought.

Respectfully submitted,

TROY KING
ATTORNEY GENERAL

GREGORY O. GRIFFIN, SR.
CHIEF COUNSEL
GRI026

s/DANA L. PITTMAN
ASSISTANT ATTORNEY GENERAL
STATE BAR#: ASB-7192-A57P
ALA. BD. OF PARDONS & PAROLES
P.O. BOX 302405
MONTGOMERY, AL 36130
TELEPHONE: (334)242-8700
FAX: (334)353-4423
Dana.Pittman@paroles.alabama.gov

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing, by placing same in the United States Mail, postage prepaid, and properly addressed as follows:

**ANN C. ROBERTSON
ATTORNEY FOR PLAINTIFF
WIGGINS, CHILDS, QUINN & PANTAZIS, LLC
THE KRESS BUILDING
301 19TH STREET N.
BIRMINGHAM, AL 35203**

Done this 23rd day of MAY, 2008.

Respectfully submitted,

s/DANA L. PITTMAN
ASSISTANT ATTORNEY GENERAL
State Bar#: ASB-7192-A57P
Ala. Bd. Pardons and Paroles
P.O. Box 302405
Montgomery, Alabama 36130
Telephone: (334) 242-8700
Fax: (334) 353-4423
Dana.Pittman@paroles.alabama.gov